

Rev. 4/18

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
CIVIL APPEAL STATEMENT

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: 22-14205-DD

Caption: Keyvon Sellers v. Jerry Nelson, as personal representative of the Estate of Eddie Lee Nelson, Jr., et al.	District and Division: <u>Middle District of Georgia, Columbus Division</u> Name of Judge: <u>Clay D. Land</u> Nature of Suit: <u>42 USC 1983 Deliberate Indifference</u> Date Complaint Filed: <u>September 8, 2020</u> District Court Docket Number: <u>4:20-cv-00213-CDL</u> Date Notice of Appeal Filed: <u>December 9, 2022</u> <input type="checkbox"/> Cross Appeal <input type="checkbox"/> Class Action Has this matter previously been before this court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide (a) Caption: _____ (b) Citation: _____ (c) Docket Number: _____
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	Attorney Name	Mailing Address	Telephone, Fax, Email
For Appellant:			
<input type="checkbox"/> Plaintiff	Thomas F. Gristina	Page, Scrantom,	(t) 706-324-0251
<input checked="" type="checkbox"/> Defendant	James C. Clark, Jr.	Sprouse, Tucker &	(f) 706-596-9992
<input type="checkbox"/> Other (Specify)	Tyler C. Cashbaugh	Ford, P.C., 1111 Bay	tgristina@pagescranto
		Avenue, Third Floor,	m.com
		Columbus, Georgia,	
		31901	
For Appellee:			
<input checked="" type="checkbox"/> Plaintiff	Craig T. Jones	PO Box 129	(t) 678-643-0062
<input type="checkbox"/> Defendant		Washington, Georgia,	craigthomasjones@out
<input type="checkbox"/> Other (Specify)		30673	look.com

Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input checked="" type="checkbox"/> Federal Question	<input type="checkbox"/> Final Judgment, 28 USC 1291	<input type="checkbox"/> Dismissal/Jurisdiction	Amount Sought by Plaintiff: \$ <u>not specified</u>
<input type="checkbox"/> Diversity	<input type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1)	<input type="checkbox"/> Default Judgment	Amount Sought by Defendant: \$ <u>n/a</u>
<input type="checkbox"/> US Plaintiff	<input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b)	<input checked="" type="checkbox"/> Summary Judgment	Awarded: \$ <u>n/a</u> to _____
<input type="checkbox"/> US Defendant	<input checked="" type="checkbox"/> Interlocutory Order, Qualified Immunity	<input type="checkbox"/> Judgment/Bench Trial	Injunctions:
	<input type="checkbox"/> Final Agency Action (Review)	<input type="checkbox"/> Judgment/Jury Verdict	<input type="checkbox"/> TRO
	<input type="checkbox"/> 54(b)	<input type="checkbox"/> Judgment/Directed Verdict/NOV	<input type="checkbox"/> Preliminary
		<input type="checkbox"/> Injunction	<input type="checkbox"/> Permanent
		<input type="checkbox"/> Other _____	<input type="checkbox"/> Granted <input type="checkbox"/> Denied

Page 2

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Based on your present knowledge:

- (1) Does this appeal involve a question of First Impression? ☒ Yes ☐ No
What is the issue you claim is one of First Impression? See attached.
- (2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute? ☐ Yes ☒ No
If Yes, provide
(a) Case Name/Statute _____
(b) Citation _____
(c) Docket Number if unreported _____
- (3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that
(a) Arises from substantially the same case or controversy as this appeal? ☐ Yes ☒ No
(b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? ☐ Yes ☒ No
If Yes, provide
(a) Case Name _____
(b) Citation _____
(c) Docket Number if unreported _____
(d) Court or Agency _____
- (4) Will this appeal involve a conflict of law
(a) Within the Eleventh Circuit? ☐ Yes ☒ No
(b) Among circuits? ☐ Yes ☒ No
If Yes, explain briefly:

- (5) Issues proposed to be raised on appeal, including jurisdictional challenges:

Is Keyvon Sellers entitled to qualified immunity as to Appellees' Fourteenth Amendment deliberate indifference claims based on Eddie Nelson ' s death?

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND
SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 10th DAY OF January, 2023.

Thomas F. Gristina

NAME OF COUNSEL (Print)



SIGNATURE OF COUNSEL

*Keyvon Sellers v. Jerry Nelson, as
personal representative of the Estate of Eddie
Lee Nelson, Jr., et al.*

ISSUE OF FIRST IMPRESSION

If a jail intake officer is aware that an inmate was imprisoned for aggravated assault motivated by race, is it deliberate indifference to not take steps to isolate the inmate?